

## REMARKS

Applicants thank the Examiner for the thorough consideration of this application. Claims 1-13 are currently pending in the application, and Claims 1-13 are rejected. Applicants submit that Claims 1-13 should be allowed in view of the affidavit submitted with this paper and the following remarks.

In the Office Action of September 14, 2006, the Examiner rejected the pending claims under 35 U.S.C. § 102(e) as being anticipated by US 2003/0111206. The applied reference has a common assignee, Nucor Corporation.

Under 35 U.S.C. § 102(e), “a person shall be entitled to a patent unless the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent.”

An uncontradicted “unequivocal statement” from the applicant regarding the subject matter disclosed in a published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982). As the attached affidavit shows, the unclaimed portion of US 2003/0111206 that is being claimed in the present application was invented by co-inventors Walter N. Blejde, Rama Ballov Mahapatra, and Lazar Strezov. Thus, the present invention as disclosed by cited reference US 2003/0111206 was not “by another.”

Lazar Strezov was inadvertently not included as a co-inventor on this application. The request to add Mr. Strezov as a co-inventor will be filed as soon as signatures can be obtained.

Applicants respectfully submit that claims 1-13 are in condition for allowance. Applicants encourage the Examiner to call their counsel, Arland T. Stein, at 614-233-5104 to resolve any additional questions that the Examiner may have to place the claims in condition for allowance.

Respectfully submitted,  
Hahn Loeser & Parks LLP



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Reg. No. 25,062  
Hahn Loeser + Parks, LLP  
65 East State Street, Suite 1400  
Columbus, Ohio 43215  
(614) 221-0240

Arland T. Stein